



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

To : Kris Vezner

Proper application has been made pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 *et seq.* (“CERCLA”), for an administrative warrant to effectuate a removal action to abate an imminent and substantial endangerment to human health and the environment at and from the property owned or formerly owned and/or operated by Lake Calumet Smelting Company and Lake Calumet Building Corporation, Parcel Identification Number 25-22-401-002-0000, located at 11901 S. Champlain Ave. with a mailing address of 651 E. 119th St., both in Chicago, Cook County, Illinois (“Site”). This court finds that the United States has established reasonable grounds for issuance of the requested administrative warrant to authorize representatives of the United States Environmental Protection Agency (“U.S. EPA” or the “Agency”), including contractors and representatives authorized by U.S. EPA, to enter to perform response actions as set forth below pursuant to Sections 104(a) and (e) of

CERCLA, 42 U.S.C. § 9604(a), (e). The materials supporting the United States' Application for an Ex Parte Administrative Warrant ("Application") consist of the Declaration of U.S. EPA On-Scene Coordinator ("OSC") Brad Benning and all attachments thereto.

In its Application for an Ex Parte Administrative Warrant, as supported by the declarations identified above, U.S. EPA has explained the scope and nature of its planned removal action at the Site under CERCLA, and the estimated number of days that will be required to properly complete the removal action. U.S. EPA will effectuate the following actions:

- (1) implement a site health and safety plan;
- (2) secure the Site through repair and/or replacement of existing fencing as appropriate;
- (3) remove and dispose of drums, site debris, and vegetation;
- (4) excavate soil to a depth of one foot;
- (5) after removing the initial foot of soil, conduct additional sampling to delineate the remaining extent of contaminated soil;
- (6) further remove contaminated soil with concentrations above the industrial RSL of 800 mg/kg for lead, 380 mg/kg for arsenic, and 10,000 mg/kg cadmium to a depth of approximately one additional foot;
- (7) treat contaminated soil with a fixation agent and arrange for it to be treated and disposed of off-site;
- (8) backfill with clean soil and vegetate to prevent soil erosion;

In order to fully characterize the nature and extent of contamination, U.S. EPA may use various types of equipment, including but not limited to: hand augers; geoprobes; shovels; trowels; excavation vehicles and machinery; x-ray fluorescence units and other "direct read" field instruments; and geophysical equipment. It may be necessary or convenient to leave some of the equipment at the Site while the response actions are ongoing. It may also be necessary and desirable

to take photographs of portions of the Site and of the performance of the removal. All of these actions are typical of actions taken by U.S. EPA under the authority of CERCLA.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Section 104(a) and (e) of the CERCLA, U.S. EPA and its duly designated representatives, including contractors and representatives authorized by the U.S. EPA, are hereby entitled to and are hereby permitted to enter upon the subject premises and property located at 11901 S. Champlain Ave. and 651 E. 119th St., both in Chicago, Cook County, Illinois, for the purposes of effectuating the removal described above. As part of the response action, employees of the U.S. EPA, including contractors and representatives authorized by the U.S. EPA, are permitted to enter and to re-enter the Site to effectuate the response action as the Agency deems necessary. The Agency shall re-grade the land and vegetate it to prevent erosion.

Entry shall be completed within 180 days from the date that this warrant is issued. U.S. EPA retains the right to request another warrant to complete any additional removal actions beyond those set forth herein.

A copy of this warrant shall be left at the Site at the time the response action commences. A copy shall also be addressed to Lake Calumet Smelting Company and Lake Calumet Building Corporation and mailed or delivered to 651 E. 119th St., Chicago, Illinois.

The United States Marshal is hereby authorized and directed to assist representatives of the U.S. EPA in such manner as reasonably may be necessary and required to execute this Warrant and the provisions contained herein.

Dated this 12<sup>th</sup> day of September, 2013. 130/PM

Daniel H. Mart

UNITED STATES MAGISTRATE JUDGE